

AUG 25 2008
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SANTIAGO VANEGA,

Petitioner,

vs.

D. K. SISTO, Warden,

Respondent.

No. C 08-3776 JSW (PR)

ORDER OF TRANSFER

Petitioner is a state prisoner currently incarcerated at California State Prison-Solano, located in Vacaville, California, within the venue of the United States District Court for the Eastern District of California. On August 7, 2008, Petitioner filed this petition regarding his parole hearing before the Board of Prison Terms. Petitioner has filed a motion to proceed *in forma pauperis* (docket nos. 2, 4).

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner's claims are directed to the execution of sentence, in that they involve

1 the failure of the Board to find Petitioner suitable for parole. Therefore, this Court will
2 transfer this action to the United States District Court for the Eastern District of
3 California. Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28
4 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court
5 for the Eastern District of California forthwith. In light of the transfer, this Court will
6 not decide Petitioner's pending motions (docket nos. 2, 4).

7 IT IS SO ORDERED.

8 DATED: AUG 25 2008

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10 JEFFREY S. WHITE
11 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SANTIAGO VANEGA,
Plaintiff,

Case Number: CV08-03776 JSW

CERTIFICATE OF SERVICE

v.

D K SISTO et al,

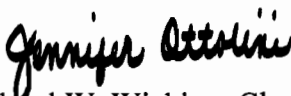
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 25, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Santiago Vanega
C45939
CSP-Solano
2100 Peabody Rd.
Vacaville, CA 95696

Dated: August 25, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

**UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102**

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.2000

August 26, 2008

**United States District Court-Eastern California
501 I Street
Sacramento, CA 95814**

RE: CV 08-03776 JSW SANTIAGO VANEGA-v-D K SISTO

Dear Clerk,

Pursuant to an order transferring the above captioned case to your court, transmitted herewith are:

- ☐ Certified copy of docket entries.
- ☐ Certified copy of Transferral Order.
- ☐ Original case file documents.
- ☒ Please access the electronic case file for additional pleadings you may need. See the attached instructions for details.

Please acknowledge receipt of the above documents on the attached copy of this letter.

Sincerely,
RICHARD W. WIEKING, Clerk



by: Hilary D. Jackson
Case Systems Administrator

Enclosures
Copies to counsel of record

